UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,843	04/05/2004	Shoko Ihori	251164US6	2707

22850 7590 02/14/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
HIGHTER, TREVILLIAN H

ART UNIT	PAPER NUMBER
4152	

NOTIFICATION DATE	DELIVERY MODE
02/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/816,843	IHORI ET AL.	
	Examiner	Art Unit	
	TREVILLIAN H. HIGHTER	4152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date:5/30/2007, 5/21/2007, 3/7/2007, 1/30/2007, 1/9/2007, 2/8/2005.

DETAILED ACTION

1. Claims 1-30 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 10 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. With respect to claims 10 and 20, "a program" is being recited. Software is not one of the categories of statutory subject matter. See MPEP 2106.01

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-3, 6-11, 14-15, 19-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Yasushi (Publication No. JP 2003-338821). Yasushi is cited in the Information Disclosure Statement by applicant on 1/30/2007.

7. With respect to claim 1, Yasushi discloses a first radio communication apparatus in which first information for identification of a radio network ([0002], lines 1-12)and second information regarding the security ([0002], lines 1-12) are set in advance ([0002], lines 1-12) as communication information necessary for communication through said radio network ([0002], lines 1-12); and a second radio communication apparatus operable for communicating with said first radio communication apparatus by radio communication through said radio network ([0001], lines 1-3; Abstract 3-9); said second radio communication apparatus transmitting request information ([0016], lines 5-7) for requesting for transmission of the communication information to said first radio communication apparatus by radio communication ([0016], lines 5-7); said first radio communication apparatus transmitting the first and second information ([0016], lines 5-7; [0002], lines 1-12) as a response to the request information transmitted thereto from said second radio communication apparatus ([0016], lines 5-7; [0020], lines 13-17); said second radio communication apparatus setting the first and second information transmitted (Abstract, lines 3-9; [0002], lines 1-12) thereto from said first radio communication apparatus as the communication information ([0016], lines 5-7); said first and second radio communication apparatuses utilizing the communication information individually set therein to communicate with each other by radio communication ([0002], lines 1-12).

8. With respect to claim 2, Yasushi discloses a radio communication method for a radio communication system which includes a first radio communication apparatus in which first information for identification of a radio network ([0002], lines 1-12) and second information regarding the security are set in advance as communication information necessary for communication through said radio network ([0002], lines 1-12) and a second radio communication apparatus operable for communicating with said first radio communication apparatus by radio communication through said radio network ([0001], lines 1-3; [0002], lines 1-4): a step performed by said second radio communication apparatus of transmitting request information for requesting for transmission of the communication information to said first radio communication apparatus by radio communication ([0016], lines 5-7); another step performed by said first radio communication apparatus of transmitting the first and second information as a response to the request information transmitted thereto from said second radio communication apparatus ([0016], lines 5-7; [0020], lines 13-17); a further step performed by said second radio communication apparatus of setting the first and second information transmitted thereto from said first radio communication apparatus as the communication information ([0016], lines 5-7); and a still further step performed by said first and second radio communication apparatuses of utilizing the communication information individually set therein to communicate with each other by radio communication ([0002], lines 1-12).

9. With respect to claim 3, Yasushi discloses a radio communication apparatus which communicates with a different radio communication apparatus by radio communication through a radio network ([0001], lines 1-3; Abstract, lines 3-9): setting means in which first information for identification of said radio network ([0002], lines 1-12) and second information regarding the security ([0002], lines 1-12) are set ([0002], lines 1-12) as communication information necessary for communication through said radio network (Abstract, lines 3-9; [0002], lines 1-12); and transmission control means for controlling, when request information for requesting for transmission of the communication information is received from said different radio communication apparatus by radio communication ([0016], lines 5-7), transmission of the first and second information to said different radio communication apparatus as a response to the request information by radio communication ([0016], lines 5-7; [0020], lines 13-17).

10. With respect to claim 9, Yasushi discloses a radio communication apparatus which communicates with a different radio communication apparatus by radio communication through a radio network ([0001], lines 1-3; Abstract, lines 3-9): a transmission control step of controlling, when request information for requesting for transmission of communication information necessary for communication through said radio network is transmitted from said different radio communication apparatus to said radio communication apparatus by radio communication ([0016], lines 5-7), transmission of first information for identification of said radio network and second information regarding the security set as communication information in said radio

communication apparatus in advance by radio communication ([0002], lines 1-12) from said radio communication apparatus to said different radio communication apparatus as a response to the request information ([0016], lines 5-7; [0020], lines 13-17).

11. With respect to claim 10, Yasushi discloses a program for causing a computer, which controls a radio communication apparatus which communicates with a different radio communication apparatus by radio communication through a radio network ([0001], lines 1-3; Abstract, lines 3-9): a transmission control step of controlling, when request information for requesting for transmission of communication information necessary for communication through said radio network is transmitted from said different radio communication apparatus to said radio communication apparatus by radio communication ([0016], lines 5-7), transmission of first information for identification of said radio network and second information regarding the security set as communication information in said radio communication apparatus in advance by radio communication from said radio communication apparatus to said different radio communication apparatus as a response to the request information ([0016], lines 5-7; [0020], lines 13-17).

12. With respect to claim 11, Yasushi discloses a radio communication apparatus which communicates with a different radio communication apparatus by radio communication through a radio network ([0001], lines 1-3; Abstract, lines 3-9): transmission control means for controlling transmission of request information for

requesting for transmission of communication information necessary for communication through said radio network to said different radio communication apparatus by radio communication ([0016], lines 5-7); and setting means for setting (Abstract, lines 3-9; [0002], lines 1-12), when first information for identification of said radio network and second information regarding the security are transmitted as the communication information from said different radio communication apparatus to said radio communication apparatus by radio communication ([0016], lines 5-7), in response to the request information transmitted from said radio communication apparatus under the control of said transmission control means, the first and second information as the communication information therein ([0016], lines 5-7; [0020], lines 13-17).

13. With respect to claim 19, Yasushi discloses a radio communication method for a radio communication apparatus which communicates with a different radio communication apparatus by radio communication through a radio network ([0001], lines 1-3; Abstract, lines 3-9): a transmission control step of controlling transmission of request information for requesting for transmission of communication information necessary for communication through said radio network to said different radio communication apparatus by radio communication ([0016], lines 5-7); and a setting step of setting (Abstract, lines 3-9; [0002], lines 1-12), when first information for identification of said radio network and second information regarding the security are transmitted as the communication information from said different radio communication apparatus to said radio communication apparatus by radio communication in response to the request

information transmitted from said radio communication apparatus under the control of the process at the transmission control step, the first and second information as the communication information therein ([0016], lines 5-7; [0020], lines 13-17).

14. With respect to claim 20, Yasushi discloses a program for causing a computer, which controls a radio communication apparatus which communicates with a different radio communication apparatus by radio communication through a radio network ([0001], lines 1-3; Abstract, lines 3-9): a transmission control step of controlling transmission of request information for requesting for transmission of communication information necessary for communication through said radio network to said different radio communication apparatus by radio communication ([0016], lines 5-7); and a setting step of setting (Abstract, lines 3-9; [0002], lines 1-12), when first information for identification of said radio network and second information regarding the security are transmitted as the communication information from said different radio communication apparatus to said radio communication apparatus by radio communication in response to the request information transmitted from said radio communication apparatus under the control of the process at the transmission control step, the first and second information as the communication information therein ([0016], lines 5-7; [0020], lines 13-17).

15. With respect to claims 6 and 14, Yasushi discloses the first information is a Service Set Identification ([0002], lines 1-10).

16. With respect to claims 7 and 15, Yasushi discloses the second information is a Wired Equivalent Privacy key ([0002], lines 1-10).

17. With respect to claim 8, Yasushi discloses encryption means for encrypting the communication information at least once ([0002], lines 1-10), said transmission control means controlling the transmission of the communication information encrypted by said encryption means ([0016], lines 5-7).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 4, 5, 12, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasushi, in view of Kuan et al. (Publication No. US 2003/0224797 A1), hereinafter, Kuan.

20. With respect to claims 4 and 12, Yasushi does not disclose the request information is a probe request.

Kuan, however, discloses the request information is a probe request ([0051], lines 6-8; [0052], lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Yasushi with the teachings of Kuan in order to increase the efficiency of data access in a multiple processor, multiple cluster system.

21. With respect to claims 5 and 13, Yasushi does not disclose a management frame is utilized for the transmission of the request information and the communication information.

Kuan, however, discloses a management frame is utilized for the transmission of the request information and the communication information ([0051], lines 6-8; [0052], lines 1-10, a management frame includes a probe request frame; a station sends a probe request frame when it needs to obtain information from another station).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Yasushi with the teachings of Kuan in order to increase the efficiency of data access in a multiple processor, multiple cluster system.

22. With respect to claim 17, Yasushi does not disclose said radio communication apparatus is a personal computer card for a radio local area network.

Kuan, however, discloses said radio communication apparatus is a personal computer card for a radio local area network ([0021], lines 5-8, PC cards are available as network cards).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Yasushi with the teachings of Kuan in order to increase the efficiency of data access in a multiple processor, multiple cluster system.

23. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasushi, in view of Kameda (US Patent No. 5,940,772), hereinafter, Kameda.

24. With respect to claim 16, Yasushi does not disclose conversion means for converting a signal transmitted thereto through said radio network into a signal which can be transmitted through a wire circuit and converting a signal transmitted thereto through said wire circuit into a signal which can be transmitted in said radio network.

Kameda, however, discloses conversion means for converting a signal transmitted thereto through said radio network into a signal which can be transmitted through a wire circuit and converting a signal transmitted thereto through said wire circuit into a signal which can be transmitted in said radio network (Abstract, lines 8-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the teachings of Yasushi with the teachings of Kameda in order to improve a data transmission system for a radio section in that the transmission rate can change in response to circuit conditions to achieve maximum transmission efficiency.

25. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasushi, in view of Yoshizawa (Publication No. EP 0 311 112), hereinafter, Yoshizawa. Yoshizawa is cited in the Information Disclosure Statement by applicant on 5/30/2007.

26. With respect to claim 18, Yasushi does not disclose decryption means for decrypting, where the first and second information transmitted thereto from said different radio communication apparatus are in a form encrypted at least once, the encrypted first and second information, said setting means setting the first and second information decrypted by said decryption means as the communication information.

Yoshizawa, however, discloses decryption means for decrypting (column 1, lines 37-39), where the first and second information transmitted thereto from said different radio communication apparatus are in a form encrypted at least once (column 1, lines 37-39, if serial data, code from a code setting unit, is decrypted, encryption must be implemented, lines 18-24), the encrypted first and second information, said setting means setting the first and second information (Abstract, lines 18-19) decrypted by said decryption means as the communication information (column 1, lines 37-39, 18-24) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Yasushi with the teachings of Yoshizawa in order for privacy to be protected and security to be ensured.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TREVILLIAN H. HIGHTER whose telephone number is (571)270-3806. The examiner can normally be reached on Monday-Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

THH 1/28/2008

/Nabil El-Hady, Ph.D, M.B.A./
Supervisory Patent Examiner, Art Unit 4152